

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CR-98-99-M
)	
DON KEELING,)	
)	
Defendant.)	

ORDER

Before the Court is defendant's Ex Parte Petition for Modification of Supervised Release [docket no. 252], filed October 9, 2007. In his petition, defendant requests the Court to terminate his term of supervised release. In support of his petition, defendant states that he served his term of incarceration and also served twelve months of the three year court-imposed term of supervised release.

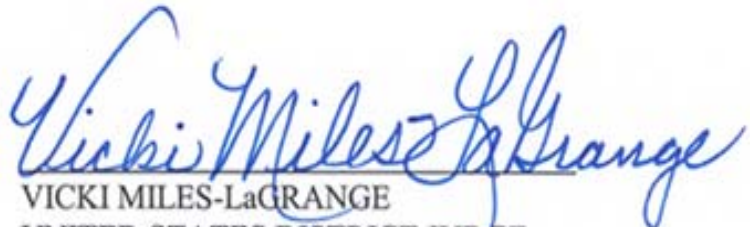
The Court may "terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release ... if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1).

On May 14, 1999, defendant was sentenced to 121 months incarceration and 36 months' supervised release. After his incarceration, defendant to date has served approximately half, or a year and a half of his term of supervised release. Upon receipt of defendant's petition, the Court requested that the United States Probation Office for the Western District of Oklahoma submit evidence concerning whether defendant's term of supervised release should be modified. The evidence submitted from the United States Probation Office tends to show that defendant opened five separate credit card accounts in violation of his condition of supervised release.

Having carefully reviewed defendant's request and having considered the circumstances involved in the instant matter, the Court finds that defendant should be, and hereby, is denied modification of his term of supervised release. Specifically, the Court finds that defendant's non-compliance with the terms of supervised release, accompanied by the fact that he has served approximately half of his term, removes him as a favorable candidate for early termination.

Accordingly, as set forth in detail above, the Court DENIES defendant's Ex Parte Petition For Modification of Supervised Release.

IT IS SO ORDERED this 22nd day of April, 2008.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE